

SUPREME COURT OF ILLINOIS

TUESDAY, MARCH 9, 2004

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

ADVISEMENT DOCKET

No. 96929 - Andrew J. Kalita, petitioner, v. Jessie White, Illinois Secretary of State, respondent.

Motion by petitioner for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by the Court.

No. 97315 - Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for appeal as a matter of right. Motion denied.

Order entered by the Court.

No. 97433 - Gerald Simonsen, petitioner, v. Board of Education of the City of Chicago et al., etc., respondents.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal.

On the Court's own motion, respondent Chicago Board of Education shall file a response to petitioner's motion on or before March 24, 2004.

Order entered by the Court.

SUPREME COURT OF ILLINOIS

COURT CONVENED AT 9:30 A.M., TUESDAY, MARCH 9, 2004

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

REHEARING DOCKET

No. 93830 - People State of Illinois, appellant, v. Kevin Phelps, appellee.

Motion by appellee, pro se, for an extension of time of 45 days for filing petition for rehearing. Motion allowed. Petition for rehearing due on or before March 29, 2004.

Order entered by Justice Garman.

ADVISEMENT DOCKET

No. 97497 - People ex rel. Richard A. Devine, State's Attorney of Cook County, petitioner, v. Hon. Paul P. Biebel, Jr., Presiding Judge of the Criminal Division of the Circuit Court of Cook County, et al., etc., respondents.

Motion by respondent, Hon. Leo E. Holt, to vacate and set aside the Court's order of January 13, 2004, to allow respondent an extension of time to file his response to the motion for leave to file petition for writ of mandamus or supervisory order, and to stay People v. David Berrara and Jesus Herrera, No. 03CR15704, until such time as the issues on review are decided.

The supervisory order of January 13, 2004, is vacated. The motion for extension of time to file a response to the motion for leave to file a petition for writ of mandamus or supervisory order is allowed. The response is due on or before March 30, 2004. The motion to stay proceedings in People v. Berrera and Herrera, Cook County No. 03 CR 15704, is allowed.

Order entered by the Court.

Fitzgerald, J., took no part.

PEOPLE'S DOCKET

No. 94408 - People State of Illinois, appellant, v. Douglas Biagini, appellee.

Motion by appellant to lift order holding case in abeyance and to remand cause to the Circuit Court of Lake County. Motion allowed. The order of July 12, 2002, in People v. Biagini, Lake County No. 02 CF 1026, declaring unconstitutional 720 ILCS 5/11-20.1, and granting defendant's motion to dismiss is vacated. The case is remanded to the circuit court for further proceedings in light of People v. Alexander, 204 Ill. 2d 472 (2003).

Order entered by the Court.

No. 94435 - People State of Illinois, appellant, v. William Granzow, appellee.

Motion by appellant to lift order holding case in abeyance and to remand cause to the Circuit Court of Lake County. Motion allowed. The order of July 19, 2002, in People v. Granzow, Lake County No. 02 CF 109, declaring unconstitutional 720 ILCS 5/11-20.1, and granting defendant's motion to dismiss is vacated. The case is remanded to the circuit court for further proceedings in light of People v. Alexander, 204 Ill. 2d 472 (2003).

Order entered by the Court.

No. 97373 - People State of Illinois, appellee, v. Curtis A. Thompson, appellant.

Motion by appellant for an extension of time for filing brief to and including May 17, 2004. Motion allowed.

Order entered by Justice Garman.

CIVIL DOCKET

No. 97022 - County of Cook, ex rel. Robert F. Rifkin et al., etc., appellants, v. Bear Stearns & Co., Inc., et al., appellees.

Motion by appellants to consolidate this case with case No. 97023, Scachitti et al. v. UBS Financial Services et al., and case No. 97866, Illinois Health Facilities Authority ex rel. Scachitti et al. v. Morgan Stanley Dean Witter & Co., et al. and amend the briefing schedule in light of the consolidation. The motion to consolidate appeals is denied. The time for filing appellants' briefs in case Nos. 97022 and 97023 is extended to May 14, 2004.

Order entered by the Court.

No. 97375 - Andrea Collins, etc., et al., appellees, v. Lake Forest Hospital, appellant.

Motion by appellant for an extension of time for filing brief to and including March 31, 2004. Motion allowed.

Order entered by Justice Garman.

No. 97951 - George Butler, et al., movants, v. Hon. Bernita Lampkin, Judge of the Circuit Court of Cook County, respondent.

Motion by movants, pro se, for an expedited stay of all orders and judgments entered by the Hon. Thomas P. Quinn until disposition of the motion for supervisory order. Motion denied.

Order entered by the Court.

LEAVE TO APPEAL DOCKET

No. 97559 - People State of Illinois, petitioner, v. Tremaine Carter, respondent.

Motion by respondent to dismiss petition for leave to appeal. Motion allowed. Petitioner's request for leave to file a corrected affidavit of intent is allowed. The Appellate Court, First District, is directed to allow petitioner to file a corrected affidavit of intent to file a petition for leave to appeal in People v. Carter, No. 1-01-1725. The petitioner may then file a new petition for leave to appeal within 14 days of the date of filing the affidavit of intent.

Order entered by the Court.

No. 97604 - Inland Capital Fund, L.P. et al., etc., petitioners, v. Village of Huntley, respondent.

Stipulated motion to dismiss petition for leave to appeal. Motion allowed.

Order entered by Justice Garman.

No. 97826 - Dr. Joseph K. Gerwin et al., respondents, v. Livingston County Board, etc., et al., petitioners.

Motion by respondents for a one (1)-day extension of time for filing answer to petition for leave to appeal. Motion allowed.

Order entered by Justice Garman.

No. 97966 - People State of Illinois, respondent, v. Dillon Calfee, petitioner.

Motion by petitioner for leave to file petition for leave to appeal instant. Motion allowed.

Order entered by Justice Garman.

MISCELLANEOUS RECORD

M.R.18573 - In re: Elmore, DeMichael, Ashack & Daudish, a Professional Corporation, petitioner.

Motion by Elmore, DeMichael, Ashack & Daudish, a Professional Corporation, to permit the revocable trust of the sole shareholder to be the shareholder of the professional corporation and to allow the renewal of the Application for Certificate of Registration to Engage in the Practice of Law as a Professional Corporation. Motion denied.

Order entered by the Court.

M.R.19235 - In re: Proposed Amendments to the Illinois Rules of Professional Conduct.

Petition by the Illinois State Bar Association to amend the Illinois Rules of Professional Conduct to allow and regulate the sale and transfer of sole practitioners' law practices. Petition referred to the Supreme Court Rules Committee.

Order entered by the Court.

M.R.19266 - In re: Lawrence Walner & Associates, Ltd., petitioner.

Motion of Lawrence Walner to allow corporate shares to be held in living trust under Rule 721. Motion denied.

Order entered by the Court.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

ADVISEMENT DOCKET

No. 97844 - Kevin Michael Brill, movant, v. Valerie C. Wells, etc., respondent.

Motion by movant for leave to file a reply instant to respondent's objections to movant's motion for a supervisory order. Motion allowed.

Order entered by Justice Freeman.

PEOPLE'S DOCKET

No. 95135 - People State of Illinois, appellant, v. Nakia Herron, appellee.

Motion by appellant for an extension of time for filing brief to and including March 24, 2004.  
Motion allowed.

Order entered by Justice Freeman.

No. 96229 - In re D.T., a Minor, appellant (People State of Illinois, appellant, v. Brenda T., appellee).

Motion by Loyola Childlaw Center and National Coalition for Child Protection Reform for leave to file a brief as amici curiae instantner.  
Motion allowed.

Order entered by Justice Freeman.

Agreed motion by appellee for an extension of time with set briefing schedule with reply brief due March 31, 2004, and cross-reply brief due April 19, 2004. Motion allowed.

Order entered by Justice Freeman.

No. 96392 - People State of Illinois, appellee, v. Vernon Watson, appellant.

Motion by appellee for an extension of time for filing brief to and including March 31, 2004.  
Motion allowed.

Order entered by Justice Freeman.

No. 96834 - People State of Illinois, appellant, v. Adam Rosenberg, appellee.

Motion by appellant for an extension of time for filing brief to and including March 12, 2004.  
Motion allowed.

Order entered by Justice Kilbride.

No. 97267 - People State of Illinois, appellant, v. Emmanuel Robinson, appellee.

Motion by appellant for an extension of time for filing brief to and including April 7, 2004.  
Motion allowed.

Order entered by Justice Freeman.

No. 97454 - People State of Illinois, appellant, v. Roy M. Willis, appellee.

Motion by appellant for an extension of time for filing brief to and including March 31, 2004.  
Motion allowed.

Order entered by Justice Freeman.

No. 97486 - People State of Illinois, appellant, v. Frederick E. Hood, appellee.

Motion by appellant for an extension of time for filing brief to and including April 7, 2004.  
Motion allowed.

Order entered by Justice Garman.

#### CIVIL DOCKET

No. 96978 - Central Illinois Light Company, etc., appellee, v. The Home Insurance Company etc., et al., appellants.

Motion by Illinois Energy Association and Illinois Environmental Regulatory Group for leave to appear as amici curiae and file a brief instant in support of the appellee. Motion allowed.

Order entered by Justice Garman.

Motion by Northern Illinois Gas Company and Kraft Foods North America, Inc., for leave to file a brief instant as amici curiae in support of the appellee. Motion allowed.

Order entered by Justice Garman.

Motion by People State of Illinois for leave to file a brief as amicus curiae instant in support of appellee. Motion allowed.

Order entered by Justice Garman.



Motion by the Builders Association of Greater Chicago and the Northern Illinois Building Contractors Association for leave to file a brief instantan as amici curiae in support of the appellee. Motion allowed.

Order entered by Justice Garman.

- No. 97023 - Raymond G. Scachitti et al., etc., appellants, v. UBS Financial Services et al., appellees.

Motion by AARP and Taxpayers Against Fraud for leave to file a brief as amici curiae on or before the due date of appellant's brief. Motion allowed.

Order entered by Justice Freeman.

- No. 97059 - Norma Perez De Bates, etc., appellant, v. R. Edward Bates, appellee.

Motion by appellant for an extension of time for filing reply brief to and including April 12, 2004. Motion allowed.

Order entered by Justice Freeman.

- No. 97165 - In the Matter of the Application of the County Collector for Judgment and Sale Against Lands and Lots Returned Delinquent for Nonpayment of General Taxes etc. (Petition of Apex Tax Investments, Inc., et al., appellees, v. Mary Lowe, etc., appellant).

Motion by appellant for an extension of time for filing brief to and including March 10, 2004. Motion allowed.

Order entered by Justice Freeman.

- Nos. 97624 - Hon. Ann B. Jorgensen, Judge for the Circuit Court  
97656 of Cook County, et al., etc., appellees, v. Hon.  
Cons. Rod R. Blagojevich, etc., et al., appellants.

Motion by appellants for an extension of time for filing reply brief to and including March 9, 2004. Motion allowed.

Order entered by Justice Freeman.

Motion by appellants to file reply brief in excess of the page limitation but not exceeding 45 typewritten pages. Motion allowed.

Order entered by Justice Freeman.

- No. 97911 - In re the Parentage and Custody of C.M.N., a Minor, (Cheryl Edwards, movant, v. Hon. Fe Fernandez, Judge of the Circuit Court of Cook County, et al., respondents.) Supervisory Order.

Motion by movant to withdraw motion for supervisory order. Motion allowed.

Order entered by Justice Freeman.

- No. 97925 - Cathy Dolen et al., etc., respondents, v. ABN Amro Bank N.V., etc., et al., movants.

Unopposed motion by respondents Edward and Jonell Meeks for an extension of time to and including March 16, 2004, for filing objections to movants' motion to transfer and consolidate. Motion allowed.

Order entered by Justice Rarick.

- No. 97976 - Janet Brower et al., respondents, v. Stacia Robinson, movant.

Motion by movant to transfer case No. 03M65630, Janet Brower v. Stasia Robinson, from Cook County to Will County, and to consolidate it with Will County Case No. 03LM2172, Jason Brower, v. Stasia Robinson.

- No. 97977 - Bratislav M. Radivojevic, petitioner, v. Hon. Randy A. Kogan, Associate Judge for the Circuit Court of Cook County, et al., respondents.

Motion by petitioner, pro se, for leave to file a petition for an original writ of mandamus or for a supervisory order.

LEAVE TO APPEAL DOCKET

No. 96770 - Raymond Williams, petitioner, v. Steven M. Ruffalo, et al., etc., respondents.

Motion by respondents Steven M. Ruffalo, Jennifer A. Dorski and Fuchs & Roselli to dismiss petition for leave to appeal and bar further filings by petitioner.

No. 97714 - City of Chicago etc., respondent, v. Guy Alessia, petitioner.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including March 23, 2004. Motion allowed.

Order entered by Justice Freeman.

No. 97728 - Timothy Feldheim et al., etc., respondents, v. Frank L. Sims et al., etc., petitioners.

Motion by respondents and intervenors to strike unauthorized surreply. Motion allowed.

Order entered by Justice Freeman.

No. 97867 - Jacob Townsend, a Minor etc., et al., petitioners, v. Sears, Roebuck and Co., respondent.

Motion by petitioners to dismiss petition for leave to appeal. Motion allowed.

Order entered by Justice Freeman.

No. 97971 - Donna Malinowski, etc., respondent, v. David Lucks, M.D., petitioner.

Motion by Christopher Cascino, M.D., for leave to join in the petition for leave to appeal. Motion denied.

Order entered by Justice Freeman.

No. 97982 - Michael McNamee, etc., petitioner, v. Richard Sandore et al., etc., respondents.

Motion by petitioner for leave to file petition for leave to appeal instant. Motion allowed.

Order entered by Justice Freeman.

MISCELLANEOUS RECORD

M.R.17526 - In re: Jeffrey Charles Schnibben. Disciplinary Commission.

Motion by Jeffrey Charles Schnibben for leave to file instanter affidavit pursuant to Supreme Court Rule 764. Motion allowed.

Order entered by Justice Garman.

M.R.19347 - In re: Kevin J. Huck, P.C., movant.

Motion by movant for retroactive renewal of registration pursuant to Supreme Court Rule 721.

M.R.19348 - In re: Fred H. Barlit, Jr., P.C., movant.

Motion by movant for retroactive renewal of registration pursuant to Supreme Court Rule 721.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, TUESDAY, MARCH 9, 2004

No. 95285 - People State of Illinois, appellant, v. Avell A. Walker, appellee. Appeal, Appellate Court, Second District.

Oral argument by David H. Iskowich for appellant and by Bonnie Kim for appellee. Submitted. Agenda 1.

No. 95783 - People State of Illinois, appellee, v. Shane Pitman, appellant. Appeal, Appellate Court, Fourth District.

Oral argument by Judith L. Libby for appellant and by David H. Iskowich for appellee. Submitted. Agenda 2.

No. 96367 - People State of Illinois, appellant, v. Gerald Scott Huddleston, appellee. Appeal, Circuit Court (Livingston).

Oral argument by Domenica Osterberger for appellant and by Nancy Vincent for appellee. Submitted. Agenda 3.